

Message Text

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ACTION ARA-14

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E.O. 11652: N/A
TAGS: SHUM, UY
SUBJECT: CONGRESSIONAL INQUIRY ON BEHALF OF FRITZ SCHAPIRA AS
AUSTRIAN CITIZEN IMPRISONED IN URUGUAY

REF: (A) STATE 14150 (B) MONTEVIDEO 0294

1. A RELIABLE SOURCE HAS REPORTED THAT FEDERICO (FRITZ) SCHAPIRA KLEINGESICHT WAS RELEASED FROM PRISON ON 3 MARCH 1978, AFTER MORE THAN ONE YEAR OF CONFINEMENT. HE WAS RELEASED UNDER THE TERMS OF "LIBERTAD VIGILADA" WHICH REQUIRE THAT HE POST A BOND, IN THIS CASE PESOS 10,000 OR APPROXIMATELY US\$1850, AND THAT HE REPORT TO THE POLICE AT LEAST THREE TIMES EACH MONTH.

2. HIS PHYSICAL TREATMENT IN PRISON WAS SATISFACTORY AT ALL TIMES. IN FACT, AFTER HE WAS VISITED IN PRISON BY THE AUSTRIAN CONSUL GENERAL, THE AUTHORITIES SHOWED A POSITIVE ANXIETY ABOUT HIS WELFARE, TO THE POINT THAT, ALTHOUGH HE HAD NO MEDICAL COMPLAINTS, HE WAS VISITED DAILY BY A DOCTOR. ON THE OTHER HAND, PSYCHOLOGICAL PRESSURES WERE USED TO FORCE HIM TO COOPERATE, INCLUDING THREATS AGAINST HIS FAMILY AND THE PLACING OF INFORMERS IN HIS CELL.

3. WHEN SUBJECT WAS ARRESTED, HIS EXPORT-IMPORT BUSINESS
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WAS TAKEN OVER BY A GOVERNMENT INTERVENTOR, AND IS NOW IN FINANCIAL RUINS. IN ADDITION, FOUR CONFISCATED AUTOMOBILES HAVE NOT BEEN RETURNED, NOR IS THERE ANY INDICATION THAT THEY WILL BE.

4. SCHAPIRA INTENDS TO REMAIN IN URUGUAY WHERE HE OPES TO START A NEW BUSINESS WITH THE AID OF FRIENDS, BUSINESS

ASSOCIATES AND FAMILY.

5. COMMENT. DESPITE THE GOU'S SOMEWHAT DISORGANIZED
LIBERALIZING TREND, THIS THIRTEEN-MONTH CASE ILLUSTRATES
SEVERAL DISTURBING CHARACTERISTICS OF THE LEGAL SYSTEM IN
THE RECENT PAST: ARBITRARY ARREST, LACK OF DUE PROCESS,
PETTY CORRUPTION IN THE CONFISCATION OF PROPERTY AND A
CONFUSED AND CONTRADICTORY APPROACH TO PRISONER TREATMENT.
EFFORTS TO REMEDY THESE ABUSES APPEAR EVIDENT IN THE
REDUCTION OF ARRESTS, INCREASED CENTRALIZATION OF CONTROL
OVER THE ARREST PROCESS AND INCREASED FOCUS ON THE JUDICIAL
SYSTEM AS IT FUNCTIONS AFTER PRISONER INDICTMENT. HOWEVER,
THE RETURN TO A SEMBLANCE OF LEGAL NORMALCY WILL BE A SLOW
PROCESS, AND ISOLATED CASES OF THE ARREST PROCESS BEING
USED FOR PURPOSES OF HARASSMENT OR CORRUPTION WILL PROBABLY
CONTINUE TO APPEAR.
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